IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 398 OF 1995

Gangaram Atmaram Vishwasrao ...Petitioner

Versus

The National Textile Corporation (SN) Ltd. and others ...Respondents

.....

None for the petitioner.
Mr. K.S. Bapat, counsel for Respondent No.1.

.....

CORAM: B. H. MARLAPALLE, J.
DATED: 23RD FEBRUARY, 2005

P. C.:-

1. This contempt petition arises on the allegations that the order dated 21.7.95 passed by this Court in writ petition No. 910 of 1994 was not implemented deliberately. By the said order, the petition was allowed by setting aside the judgment of the Industrial Court in Complaint (ULP) No.342 of 1988. By then the petitioner had retired w.e.f. 15.7.1991 and, therefore, this Court had directed for payment of monetary benefits as a permanent employee from 30.1.1987 and to be paid within a period of three months. It was further clarified that on failure to pay, simple interest at the rate of Rs. 12% per annum would be payable on the said dues. The employer went in appeal against the order dated 21.7.95 in Letters Patent Appeal No. 183 of 1995 and it was admitted. The said appeal has been finally decided on 1.9.2004 and it came to be dismissed.

2. It is to be noted that by order dated 12.1.1996 passed in Civil Application No. 130 of 1996 filed in L.P.A. No.183 of 1995, this Court had noted the undertaking of the appellant employer to deposit the entire amount payable to the petitioner employee with the registry of this Court on or about 29.1.1996. Mr. Bapat, the learned counsel for the respondents states that the amount was deposited and it has been subsequently withdrawn by the petitioner. Even otherwise, the order dated 21.7.95 had set out the consequences on failure to pay the monetary benefits within three months, viz. the respondent management would be liable to pay simple interest @ 12% per annum.

3. In the premises, there is no case made out to punish the respondents on account of civil contempt within the meaning of Section 2(b) of the Contempt of Courts Act, 1971 and in any case by depositing the amount with the registry of this Court, they have purged from the alleged contempt the cognizance of which was taken by this Court.

4. Hence, the contempt petition is dismissed. Rule discharged.